

REMARKS

In response to the above-identified Office Action, the applicants have provided a new Abstract of the invention written in accordance with the Examiner's request from the previous Office Action. The rejection claims 65-68 under 35 U.S.C. §112, second paragraph have been addressed in that claim 65 has been amended as the Examiner was correct that the term "connector" in line 12 should have been "conductor" *ab initio*. The dependency of claim 67 has also been amended as the Examiner was correct in citing this inaccuracy. With respect to the Examiner's comments regarding claim 66, applicants have adopted some of the terminology suggested by the Examiner where that terminology clearly does not narrow the scope of claim 66 thereby avoiding loss of the doctrine of equivalents for applicants' claim. In consideration hereof the applicants changed the term "separate" to "replacement" as suggested by the Examiner and added "in the wet downhole environment" at the end of line 5. The other suggestions by the Examiner might be construed by opposing counsel in an infringement action to narrow the scope of the claim while it is applicants belief that those additions do not significantly alter the claim structure. Therefore, applicants prefer not to amend the claim to include those comments, but rather request reconsideration by the Examiner based on the changes made. Applicants do believe that the claim is understandable by one of ordinary skill in the art following exposure to the specification in the above-identified application and meets the requirements of 35 U.S.C. §112.

Applicants have cancelled non-elected claims 57-60 and have cancelled claim 61 which was inadvertently omitted from the previous response.

Claim 65 has been rejected under 35 U.S.C. §103(a) for being unpatentable over Chevalier in view of Cunningham. The Examiner alleges Chevalier discloses a method of joining pipe including use of first section 10, second section 11 and third section 13 with electrical connection between the first connector 17 and third connector 40. The Examiner then says "It seems obvious that tube 10 could be in a well hole and tube 11 with section (adapter) 13 attached could be lowered in the into the hole for attachment." Applicants believe this assertion is unsupported as there is no teaching, disclosure or even the most remote suggestion within Chevalier of utilization of the device disclosed therein in a wet downhole environment as is required in applicants' claim. Rather, there is ample indication within Chevalier that the connection is intended to be made at the surface: for example, column 3, line 33 through line 40

wherein it is made clear that the mechanical joining between the male connector and the sheath is effected AFTER electrically connecting the ends of the conductor wire. There is no way that such mechanical connection could be made after the electrical connection unless it was done prior to running in the hole; column 6, lines 15 and 16 "this assembly is withdrawn from the pipe element and is cut out at the precedingly determined dimension" also indication that the electrical components are test fitted and then made permanent which could only occur at a surface location; column 6, line 24 through line 41 in the joint 39 may achieve a drying or wiping out of contacts 25...it suffices to take care of the contact cleanness before the operation which, upon the whole, does not occur frequently. The connection before the operation indicates that the electrical connection is made at the surface. The reference made in this patent to drying or wiping out of contacts has nothing to do with a downhole wet environment but rather simply has to do with the fact that contacts are often cleaned prior to making an electrical connection due to moisture in the air, condensation and oxidation as well as general dirt on those contacts. This is why Chevalier states "...it suffices...frequently" quoted above. If this was intended to make connection in a wet environment, clearly cleaning the contacts before running them through wet conductive material prior to making the connection would be absurd. There is no suggestion within this reference that any of this could be done downhole and indeed one of ordinary skill in the art having experience with attempting connections in a downhole environment will know very well that the Chevalier patent could not function if it was attempted to make the connection thereof downhole. There is no provision for handling a wet connection. The same is true for Cunningham in that these connections are also made prior to running the pipe in the hole. Referring to column 3, lines 39-40 "In operation, when running in, the section 17 will be screwed together." Pipes are screwed together on the rig as the preceding one advances into the hole. This obviously occurs prior to the pipe sections being immersed in the wet downhole environment. Again, there is no provision within the Cunningham application to deal with a wet downhole environment for connection purposes. A made-up connection, prior to running into the downhole environment, is taught and conceivably could work, but there is certainly no teaching in that reference regarding the ability to make the connection in the downhole environment and based upon the teaching, would not work. Thus, in neither of the patents relied upon by the Examiner to reject claim 65 can there be found any even remote suggestion of connection being done in the downhole wet environment as required by claim 65.

Moreover, it is noted that there is no fourth connector present in either of those devices which is also an element of claim 65. Applicants respectfully request the Examiner reconsider his position with respect to claim 65.

Claims 67 and 68 have been rejected under 35 U.S.C. § 103 for being unpatentable over Chevalier in view of Cunningham and Basuttil. While Basuttil does have some indication of the flushing of a particular site with hydraulic fluid, the base patents to Chevalier in view of Cunningham do not provide sufficient basis to reject these claims as set forth in the argument hereinabove. Therefore, there is no combination of the Chevalier, Cunningham and Basuttil patents which can render obvious the elements of the claims set forth. Applicants request reconsideration.

In response to the Examiner's comments regarding applicants argument over Chevalier in the prior response, applicants unfortunately must state that these comments are not very well understood since if the pipe was too long to be built out of the hole, then Chevalier would not be utilized for the installation because there is no provision for making any connection in a wet downhole environment. Simply making up attached parts 11 and 13 and dropping them into the well to connect with part 10 does not result in an electrical connection that is useable if the Chevalier patent method is employed because there is no provision for ensuring an electrical connection that is not immediately grounded by surrounding wet conditions. The Chevalier method quite simply will not work to make electrical connections in a downhole wet environment. One of ordinary skill in the art would certainly not be lead to applicants invention. That skilled artisan would simply ignore Chevalier because it did not address the concern for which he was searching for an answer.

Applicants respectfully request that the Examiner reconsider the rejections and specifically invite the Examiner to contact the undersigned by telephone if the Examiner has any queries regarding the foregoing.

Applicants earnestly solicit the allowance of the balance of the claims in this application.

In the event that there are any fees due with respect to this Response, Applicants' attorney respectfully requests that such fees be withdrawn from Deposit Account No. 02-0429 maintained by Applicants' assignee.

Respectfully submitted,

CANTOR COLBURN LLP

By: 

Keith J. Murphy

Registration No. 33,979

55 Griffin Road South, Bloomfield, CT 06002

Telephone: (860) 286-2929

Facsimile (860) 286-0115

Customer No. 23413

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